



Information About Use of the Physical Evidence Recovery Kit (PERK) Tracking System

Section 7 of the *Forensic Science Board 2020 Annual Report*

Presented By:

Madison Boden

PERK Tracking System Coordinator

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Overview



- The PERK Tracking System is a statewide electronic tracking system for PERKs
- DFS is able to analyze the data captured in the System to...
 - understand the flow of PERKs throughout the Commonwealth, and
 - identify law enforcement agencies not submitting PERKs to DFS for analysis within 60-day window.*
- This presentation shows the results of these analyses and provides additional information regarding user training and System access



Data Limitations

- Not all actions performed on PERKs ultimately get logged in the PERK Tracking System
 - Not all agencies who handle PERKs have been granted access
 - Inconsistent use
 - Human error
 - System infrastructure allows skipped entries
- Standardized data quality checks
 - Findings help provide targeted assistance to user agencies



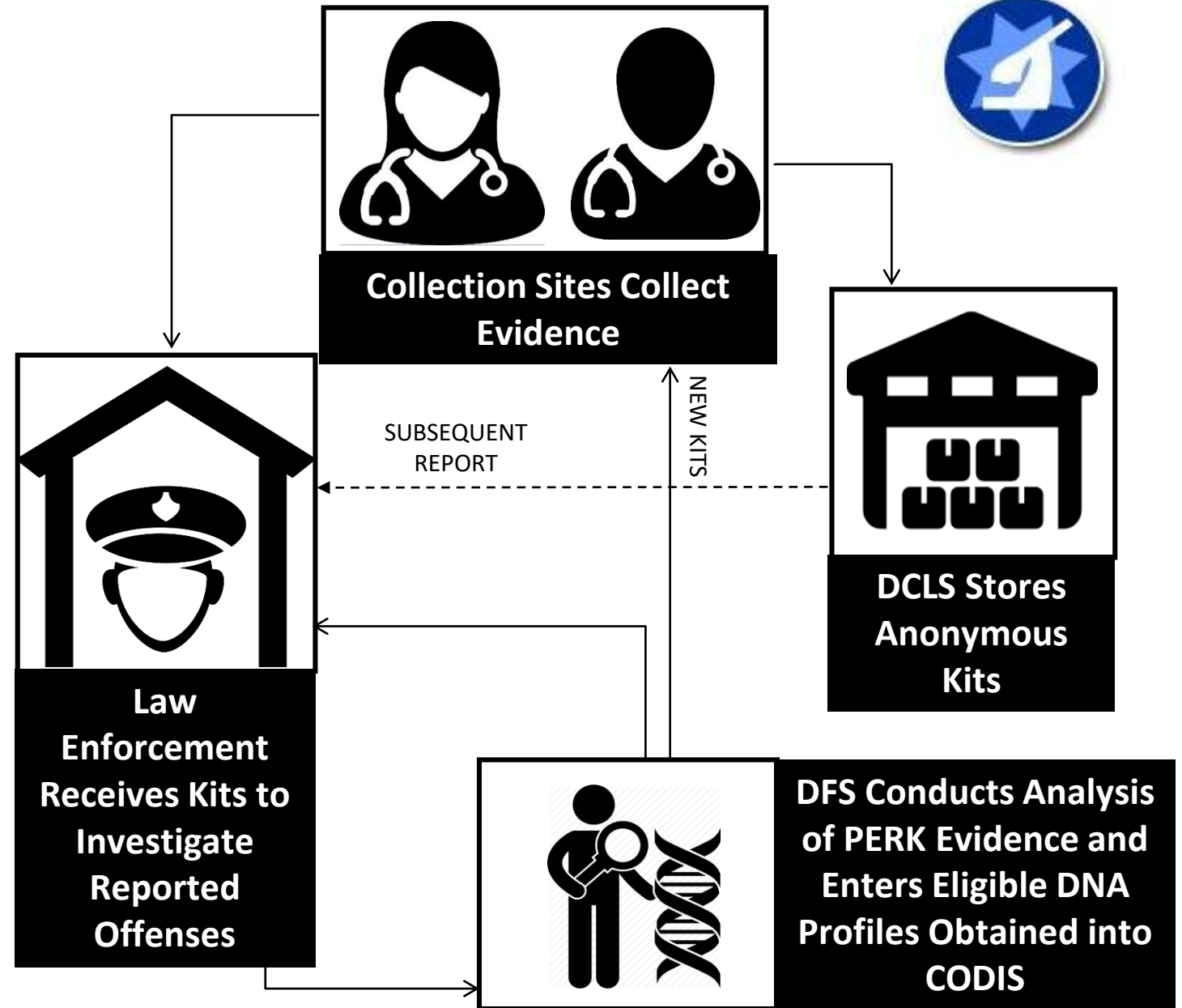
PERK SYSTEM USERS

Agencies:

- The Department of Forensic Science (DFS)
- Collection Sites (hospitals, OCME)
- The Division of Consolidated Laboratory Services (DCLS)
- Law Enforcement

Victims/survivors can access the
Victim Portal

As of September 30, 2020, **53**
Victim PINs have been granted by
law enforcement





PERK TRACKING SYSTEM TRAINING



PERK Tracking System Training Timeline

June 2019: Beta Testing

- Limited training & access to select beta testers: DCLS, VCU Health, Richmond PD, Henrico PD, VCU PD



Fall 2019: Statewide Rollout

- Expansion of training
- Incremental System use upon training completion

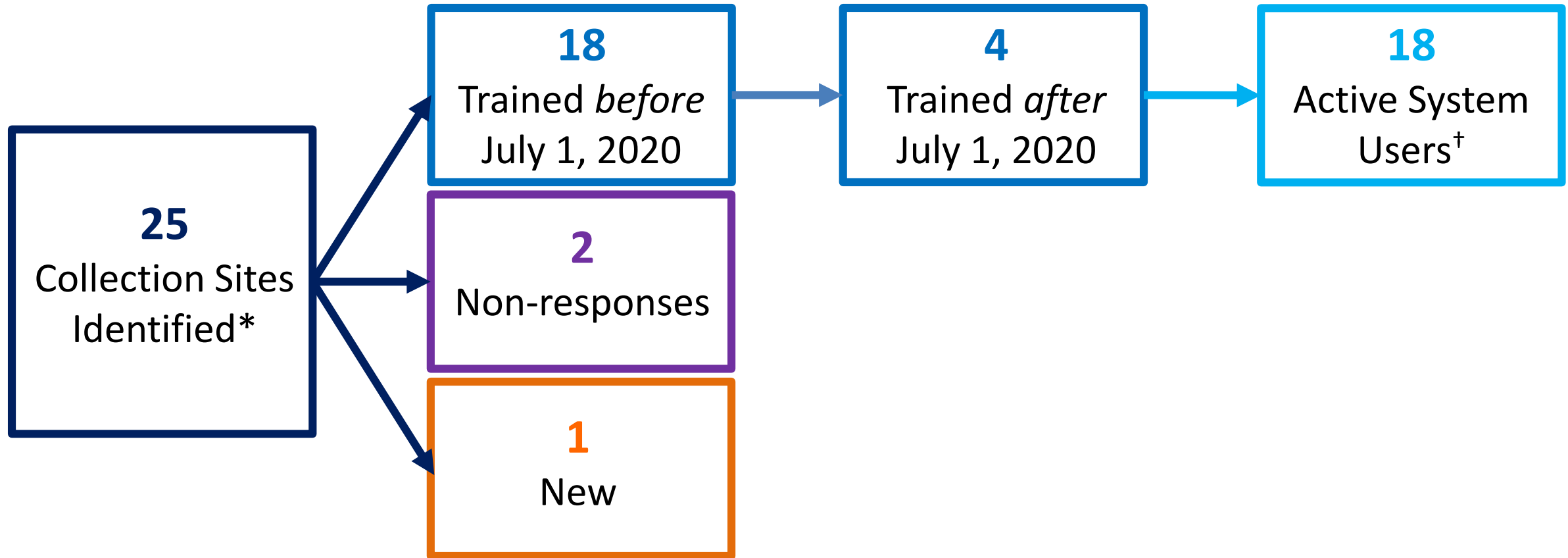


July 1, 2020: Mandatory Use*

- Continued training & outreach efforts for remaining non-trained agencies

PERK Tracking System Training: Collection Sites

(as of September 30, 2020)

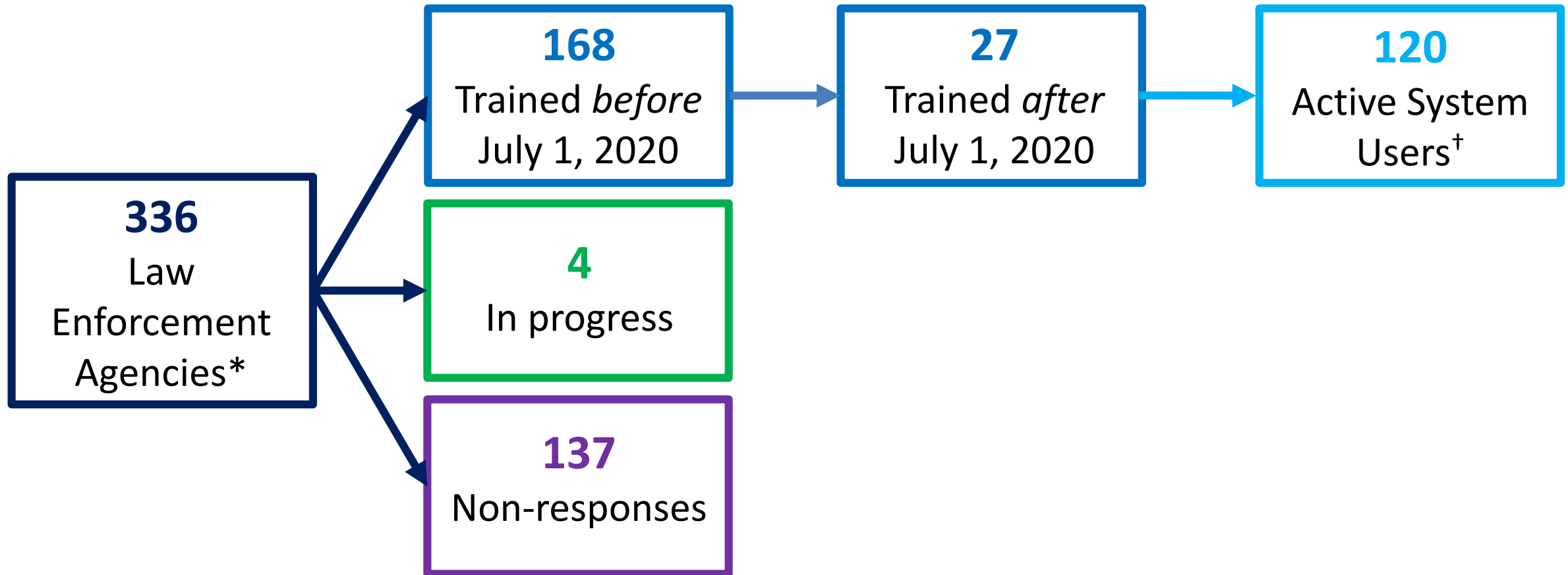


*Initial list of collection sites identified based on the list of Virginia Forensic Nurse Services provided in the JCHC's 2019 report "Forensic Nursing in the Commonwealth" (<http://jchc.virginia.gov/Forensic%20Nursing.pdf>). Others were identified over time via information from victim advocates, law enforcement, and health care professionals who may provide services across two or more collection sites. **This count excludes OCME.**

† An "Active System User" is defined as an agency that has initiated at least one action in the System.

PERK Tracking System Training: Law Enforcement

(as of September 30, 2020)



*The total count of law enforcement agencies who handle PERKs (336) excludes non-investigating Sheriff's offices (9) and regional jails (22).

† An "Active System User" is defined as an agency that has initiated at least one action in the System.

PERK Tracking System Training: Victim Advocates



- Victim advocates **do not** have direct access to the PERK Tracking System
 - Law enforcement agencies with victim advocates on staff (or who work for the Commonwealth's Attorney's Office) may provide victim advocates with viewer-only access
- DFS provided training to victim advocates via statewide conferences & webinar presentations
- Knowledge of System is essential for assisting victims/survivors



Kit Types

Anonymous vs. Offense Reported

KITS IN THE PERK TRACKING SYSTEM



Kit Types

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF FORENSIC SCIENCE
VICTIM PHYSICAL EVIDENCE RECOVERY KIT

FOR HOSPITAL PERSONNEL

PATIENT'S NAME: _____
(Please Print. For Anonymous kit, please include initials and/or reference to law of patient name.)

FACILITY: _____
(Please Print)

CLINICIAN(S): _____
(Please Print)

KIT SEALED BY: _____
(Please Print)

☐ Contents needing preservation: ☐ tampon/sanitary napkin ☐ Other: _____
☐ There are no liquid/wet contents in need of preservation.

Kit to be used if assault(s) occurred within listed time frames before medical evaluation:
A) Vaginal - 120 hours
B) Cunnilingus (or other saliva on skin) - 96 hours
C) Anal - 72 hours
D) Digital penetration or strangulation - 48 hours
E) Fellatio - 24 hours

CHAIN OF CUSTODY

RELINQUISHED BY: _____ AGENCY: _____
DATE: _____ TIME: _____ am/pm

RECEIVED BY: _____ AGENCY: _____
DATE: _____ TIME: _____ am/pm

RELINQUISHED BY: _____ AGENCY: _____
DATE: _____ TIME: _____ am/pm

RECEIVED BY: _____ AGENCY: _____
DATE: _____ TIME: _____ am/pm

PERK218-17685
[Barcode]

- **Barcoded victim PERKs** *(includes OCME)*:
6,342 (95%)
- **“Legacy” victim PERKs**:
308 (5%)
- **Non-Virginia sexual assault kits**:
14 (<1%)

Anonymous vs. Offense Reported



- Once a kit has been collected from a victim of sexual assault, the kit will either be **anonymous** or **offense reported**
- As of September 30, 2020, there were...
 - **504 anonymous kits** in the System with a post-collection status*
 - **2,093 offense reported kits** in the System with a post-collection status*
- Between July 1, 2019 and September 30, 2020, **31 kits in anonymous storage at DCLS became offense reported** and were transferred to the investigating law enforcement agency

*Post-collection status refers to current kit statuses that reflect that the kit has been collected at some point in time. A collection does not have to be logged for a kit to have a post-collection status. Accordingly, the total number of kits with a post-collection status will not equal the count of kits logged in the System as collected.



Kits Collected

Kits Received

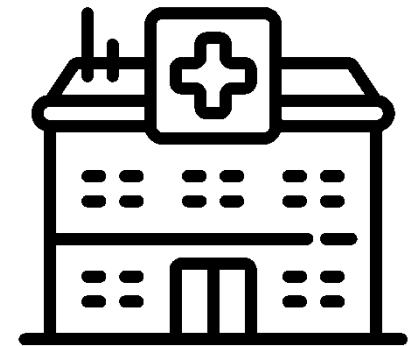
PERK Distribution

ACTIONS PERFORMED ON KITS IN THE PERK TRACKING SYSTEM

Kits Collected



- Each time a kit is collected, the collection site is responsible for logging that information into the PERK Tracking System
- From July 1, 2019 to September 30, 2020, a total of **1,031 kits have been logged as collected***
 - **996** by Virginia collection sites (non-OCME)
 - **32** by OCME
 - **3** by Tennessee collection sites[†]



* The total number of kits that are logged in the System as collected will not equal the count of kits with a post-collection status. Kits in the System with a post-collection status will include kits that may not have been logged as collected.

[†] Ballad Health, a large health network that covers hospitals in Virginia and Tennessee receives new kits from DFS at both their Virginia and Tennessee locations and has access to the PERK Tracking System to enter information on kits they collect for Virginia cases.



Kits Received

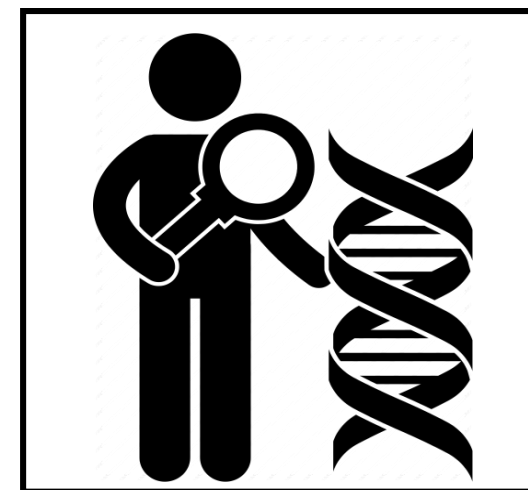
Between July 1, 2019 and September 30, 2020...



DCLS has logged the receipt of **469 kits** for anonymous storage



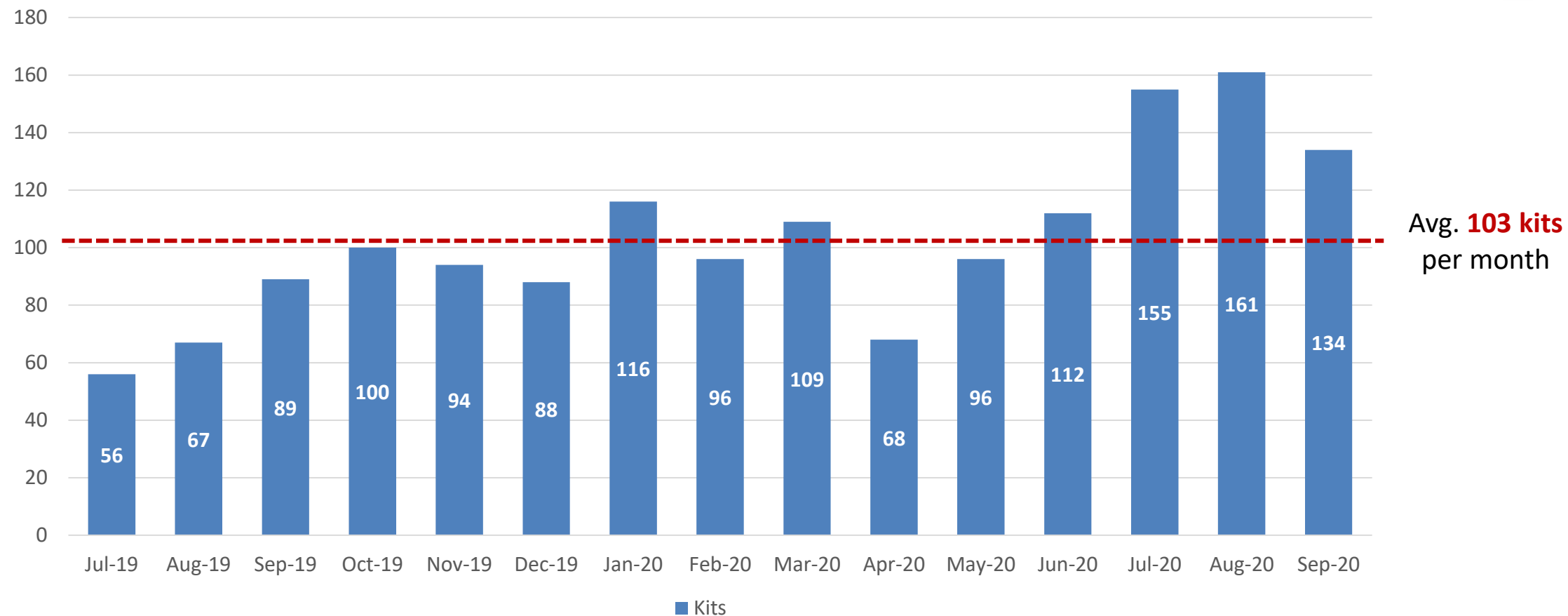
Law enforcement has logged the receipt of **881 kits** from various collection sites or DCLS



DFS has logged the receipt of **1,541 kits** from law enforcement for analysis



Counts of Kits Logged as Received for Analysis by the Virginia Department of Forensic Science* (by month)



* Kits logged as received from law enforcement by DFS for analysis; only includes the initial submission of kits that were submitted multiple times. Kits counted in the graph include barcoded PERKs (including OCME PERKs), non-barcoded legacy PERKs, and non-Virginia kits.



PERK Distribution

- As of September 30, 2020, **3,615 new barcoded victim PERKs** (incl. OCME PERKs) have been distributed for collection
 - 1,306 barcoded kits are still available for collection
 - 400 barcoded kits are anonymous
 - 265 barcoded PERKs are offense reported kits pending submission for analysis
 - 1,532 barcoded kits have been submitted to DFS for analysis
 - 82 barcoded PERKs are exempt because they are not connected to a crime, were collected as part of a routine death investigation, or were transferred to an out-of-state law enforcement agency
 - 25 barcoded kits were removed from the System because they were used for training purposes
 - 5 barcoded kits were destroyed



DESIGNATED STATUTORY REASONS FOR NON-SUBMISSION



Designated Statutory Reasons for Non-Submission

- As of September 30, 2020, **178 kits** have been exempted from submission by law enforcement users*
 - “Not connected to crime” is most widely used (112 kits)
 - “Anonymous” is the next most common (37 kits[†])
 - The remaining kits have been designated as exempt for the reasons:
 - Routine death investigation (8 kits)
 - Transfer of investigation (19 kits)
 - Out-of-state offense (2 kits)

* Not all law enforcement users will explicitly designate that a kit is exempt from submission in the System, but will instead only log a related subsequent action. Such scenarios **are** captured in the measures presented in this section. The count of kits that have been exempted from submission by law enforcement is derived from **all** kits entered into the PERK Tracking System and includes barcoded PERKs, OCME PERKs, “legacy” PERKs, and non-Virginia kits.

[†] 25 of the 37 kits exempted from submission because they were anonymous comes from a single law enforcement agency that back-entered actions performed on older legacy PERKs.



PERK LEGISLATION COMPLIANCE

PERK Legislation Compliance



- Law enforcement agencies must submit a PERK to DFS for analysis within 60 days of receipt unless one of the five statutory reasons applies*
- Non-compliant law enforcement agencies are contacted[†] if...
 1. they have logged the receipt of a collected kit more than 60 days ago, but they did not log it as transferred to DFS for analysis or as falling under one of the statutory reasons for non-submission; or
 2. another user (i.e., collection site, DCLS, or another law enforcement agency) has logged the transfer of a kit to the affected law enforcement agency more than 60 days ago, and no further action has been logged in the System with respect to the kit.

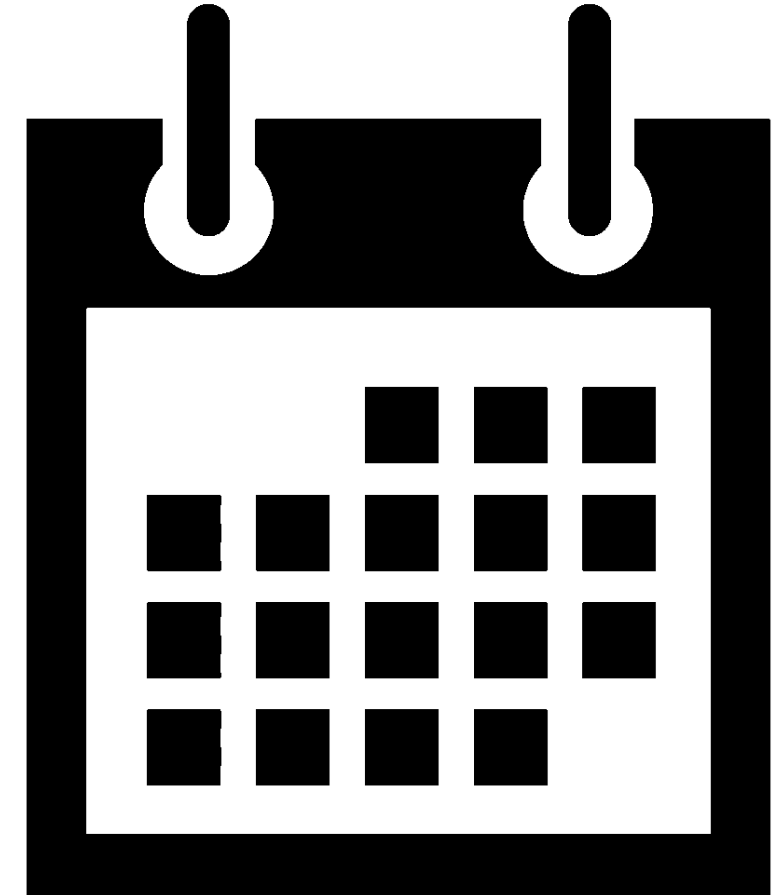
*Code of Virginia § 19.2-11.8

[†] DFS sends notices via email on the first business day of each month

PERK Legislation Compliance



- Most recent round of notifications sent October 1, 2020
- **18 agencies** logged the receipt of a collected kit more than 60 days ago with no further action
 - average 2.2 kits per agency
- **9 agencies** had one or more kits logged as transferred to their agency more than 60 days ago with no further action
 - average 2.2 kits per agency





Final Remarks

- DFS began using the System in June 2019 with a few beta test users, but use of the System was not mandated until July 1, 2020
- As of October 1, 2020, some agencies have not yet been trained and granted access to the System, but DFS is continuing to reach out to agencies who still require training
- By next year, we anticipate that users will become more comfortable with the System and we will be able to analyze a more complete dataset



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